

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 NW/S Butler Road, 3400' NE of \*  
 c/l of Piney Grove Road \* ZONING COMMISSIONER  
 (3600 Butler Road) \*  
 4th Election District \* OF BALTIMORE COUNTY  
 3rd Councilmanic District \*  
 \* Case No. 95-389-SPH  
 William McMillan, Jr., Trustee for  
 the Estate of William McMillan - \*  
 Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 3600 Butler Road, located in the vicinity of Mantua Mill Road and Dover Roads in Glyndon. The Petition was filed by William McMillan, Jr., Trustee for the Estate of William McMillan, owners of the subject property. The Petitioners seek approval to permit the septic reserve area to be located on a non-density parcel, separate from the lot which is improved with the principle dwelling to be served. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William McMillan, Jr., property owner, Jim Blum, Realtor, and Bruce E. Doak, Registered Property Line Surveyor with Gerhold, Cross & Etzel, who prepared the site plan for this property. There were no Protestants present; however, correspondence submitted by the Office of People's Counsel indicates that this agency is opposed to the relief requested.

It should be noted that this property was the subject of prior Case No. 95-259-SPH in which Deputy Zoning Commissioner Timothy Kotroco granted approval of a non-density transfer of a portion of the subject property and a waiver to panhandle driveway length requirements, pursuant

ORDER NO. 95-389-SPH  
 Date 11/19/95  
 By [Signature]

11/19/95

to Section 26-266(4) of the Baltimore County Code (BCC) to provide access to proposed Lot 2 thereof, by Order issued May 15, 1995, and as Amended on June 15, 1995 and July 13, 1995. The Petitioner now seeks approval to permit the septic reserve area for Lot 2 to be located on the non-density parcel created in prior Case No. 95-289-EPH.

The facts of the matter are undisputed. The subject property is part of a larger tract originally owned by Mr. & Mrs. William McMillan, Sr. The McMillans originally owned approximately 358 acres in this locale, which was comprised of what is now known as Lot 1 (275 acres), Lot 2 (13.189 acres), a non-density parcel of 59.482 acres, and two smaller adjoining parcels as shown on Petitioner's Exhibit 1. The two smaller parcels were acquired by William McMillan, Jr. from his parents in the early 1970s and are not under consideration in this case. However, after the death of the senior Mrs. McMillan in February, 1994 and Mr. McMillan, Sr. in March, 1994, the original tract was further subdivided. Lot 1, the largest piece of the original tract, was sold to an individual outside the McMillan family. Lot 2 was created and is now owned by Eleanor McMillan, the Petitioner's sister, and William McMillan, Jr. acquired the remaining 59.482 acres, which is shown as a "non-density" parcel on the site plan.

Testimony revealed that Lot 2 is improved with a single family dwelling for Eleanor McMillan; unfortunately, however, the existing septic system is failing and a suitable perc test has not been obtained. Thus, Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) has required that a suitable alternative be found to accommodate a private septic system for this lot.


Pursuant to the Petition for Special Hearing filed in this case, the Petitioners proposed to grant an easement on the non-density parcel

ORDER RECEIVED FOR FILING  
Date 10/19/95  
By Rep

owned by William McMillan, Jr. for the installation of a septic system to serve Eleanor McMillan's dwelling on Lot 2. The location and area of that proposed septic system is clearly shown on the site plan as a kidney-shaped area within the non-density parcel which is connected to Lot 2 by a "tail". The proposed septic system installation appears appropriate and a logical alternative to solve this property's septic problems. However, subsequent to the hearing, the Petitioners apparently became concerned about the possibility of an appeal of any favorable ruling on their behalf by the Office of People's Counsel and informed this Zoning Commissioner that the easement area would be deeded, in fee, to Eleanor McMillan. This transfer has since been accomplished and lot 2 is now comprised of 13.874 acres and includes the in-fee "tail" which will house the septic reserve area. As a result of the transfer of this "tail", the proposed septic reserve area is now on the same parcel as the principle dwelling which it serves, and thus, the relief requested in the Petition for Special Hearing is rendered as moot and shall be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19<sup>th</sup> day of October, 1995 that the Petition for Variance seeking approval to permit a septic reserve area to be located on a non-density parcel, separate from the lot which is improved with the principle dwelling to be served, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 19, 1995

Mr. William McMillan, Jr.  
3606 Butler Road  
Glyndon, Maryland 21071

RE: PETITION FOR SPECIAL HEARING  
NW/S Butler Road, 3400' NE of c/l of Piney Grove Road  
(3600 Butler Road)  
4th Election District - 3rd Councilmanic District  
William McMillan, Jr., Trustee - Petitioner  
Case No. 95-389-SPH

Dear Mr. McMillan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Bruce Doak, c/o Gerhold, Cross & Etzel  
320 E. Towsontown Boulevard, Suite 100, Towson, Md. 21286

People's Counsel

☒ File





# Petition for Special Hearing

95-389-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 3600 Butler Road

which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

~~to allow an off site support area (septic) and to allow~~  
~~that area on a non-density parcel~~ TO PERMIT THE  
SEPTIC RESERVE AREA ON A PARCEL (NON-DENSITY) OTHER  
THAN THE LOT IMPROVED WITH THE PRINCIPLE DWELLING  
SERVED BY SAID SEPTIC.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

William McMillan Jr. Trustee  
(Type or Print Name)

Signature

(Type or Print Name)

Signature

3606 Butler Road 429-2991  
Address Phone No.

Glyndon Maryland 21071  
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Gerhold Cross & Etzel Ltd.  
Name

320 E. Towson Town Blvd. 823-4470  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: Jim DATE 4-27-95

384

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED



95-389-SPH

GORDON T. LANGDON  
DENNIS M. MILLER  
EDWARD F. DEIACO-LOHR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL**  
*Registered Professional Land Surveyors*

SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318

410-823-4470  
FAX 410-823-4473

EMERITUS  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
OF COUNSEL  
JOHN F. ETZEL  
WILLIAM G. ULRICH

January 23, 1995

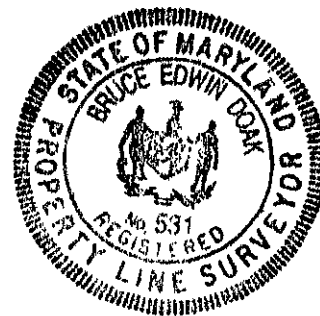
**Zoning Description**  
**3600 Butler Road**

Beginning at a point in the centerline of Butler Road which is 3400 feet, more or less, northeast of the centerline of Piney Grove road as recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4973 folio 335 and described as follows to wit:

- 1) North 60 degrees 35 minutes West 732.49 feet, thence
- 2) South 72 degrees 18 minutes West 1318 feet, thence
- 3) North 81 degrees 44 minutes West 337.23 feet, thence
- 4) North 50 degrees 05 minutes West 1548.84 feet, thence
- 5) North 38 degrees 16 minutes 50 seconds East 936.83 feet, thence
- 6) North 29 degrees 30 minutes West 366.27 feet, thence
- 7) North 48 degrees 32 minutes 20 seconds West 694.56 feet, thence
- 8) North 62 degrees 52 minutes West 1304.3 feet, thence
- 9) North 55 degrees 11 minutes West 206.47 feet, thence
- 10) North 35 degrees 05 minutes West 866.85 feet, thence
- 11) North 66 degrees 48 minutes East 132 feet, thence
- 12) North 56 degrees 36 minutes East 1320 feet, thence
- 13) North 60 degrees 47 minutes East 1106 feet, thence
- 14) North 63 degrees East 902.25 feet, thence
- 15) South 59 degrees 58 minutes East 264 feet, thence
- 16) South 30 degrees 58 minutes East 858 feet, thence
- 17) South 36 degrees 03 minutes West 375 feet, thence
- 18) South 54 degrees 50 minutes East 660 feet, thence
- 19) South 82 degrees 42 minutes East 307.11 feet, thence
- 20) South 49 degrees 02 minutes East 264 feet, thence
- 21) South 50 degrees 21 minutes East 249.68 feet, thence
- 22) South 04 degrees 48 minutes West 439 feet, thence
- 23) South 27 degrees 32 minutes East 40 feet, more or less, thence
- 24) South 52 degrees 46 minutes 58 seconds West 436.32 feet, thence
- 25) South 35 degrees 40 minutes 11 seconds East 1559.53 feet, thence
- 26) South 80 degrees 58 minutes 11 seconds East 182.85 feet, thence
- 27) South 35 degrees 46 minutes East 1098.37 feet, and
- 28) South 56 degrees 53 minutes West 1078.13 feet to the point of beginning

Containing 372 Acres of land, more or less.

The above description is for zoning purposes only and is not to be used for conveying of real property.



384

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

93-389-SP4

District: Hdb Date of Posting: 5/13/95

Posted for: Special Hearing

Petitioner: William McMillen, Jr

Location of property: 3600 Butler Rd, NWIS

Location of Signs: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. Stealy Date of return: 5/19/95  
Signature

Number of Signs: 1

MICROFILMED

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-389-SPH  
(Item 3B4)  
3600 Butler Road  
NW/S Butler Road, 3400'  
+/- Piney Grove Road  
4th Election District  
3rd Councilmanic  
Legal Owner(s):  
William McMillian, Jr.  
Trustee  
Hearing: Tuesday,  
June 6, 1995 at 10:00  
a.m. in Rm. 118, Old  
Courthouse.

**Special Hearing** to permit the septic reserve area on a parcel (non-density) other than the lot improved with the principal dwelling served by said septic.

**LAWRENCE E. SCHMIDT**  
Zoning Commissioner for  
Baltimore County

**NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.**

(2) For information concerning the File and/or Hearing, Please Call 887-3381.  
5/117 - May 11.

TOWSON, MD.,

TOWSON, MD., May 12, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 1996.

**THE JEFFERSONIAN.**

*A. Henickson*  
LEGAL AD. - TOWSON

**LEGAL AD. - TOWSON**



*John McMillan*  
Zoning Administration &  
Development Management  
711 West Chesapeake Avenue  
Towson, Maryland 21201

*JCM* *87*  
receipt

95-389-SPH

Account: R-001-6150

Number

*JCM*

Date

*4-27-95*

*WILLIAM McMILLAN, Jr.*

*3600 Buhner*

*SPH - HRG (040)*

*250.00*

*POSTAGE (080)*

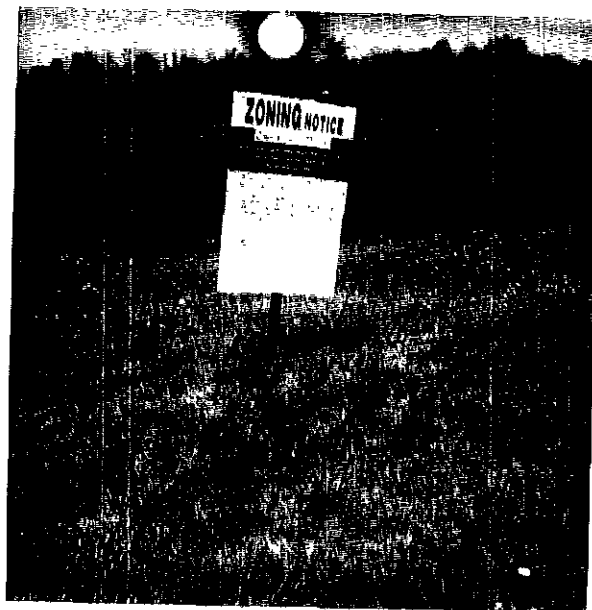
*35.00*

*85.00*

*MICROFILMED*

Please Make Checks Payable To: Baltimore County

Cashier Validation



387

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 384  
Petitioner: WILLIAM McMILLIAN, JR.  
Location: 3600 BUTLER RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William McMillian, Jr.  
ADDRESS: 3606 Butler Road  
Glyndon, Maryland 21071  
PHONE NUMBER: 444-2991

AJ:ggs

MICROFILMED

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY  
May 11, 1995 Issue - Jeffersonian

Please forward billing to:

William McMillian, Jr.  
3606 Butler Road  
Glyndon, MD 21071  
429-2991

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-389-SPH (Item 384)  
3600 Butler Road  
NW/S Butler Road, 3400' +/- NE of c/l Piney Grove Road  
4th Election District - 3rd Councilmanic  
Legal Owner(s): William McMillan, Jr., Trustee  
HEARING: TUESDAY, JUNE 6, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to permit the septic reserve area on a parcel (non-density) other than the lot improved with the principal dwelling served by said septic.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 4, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-389-SPH (Item 384)

3600 Butler Road

NW/S Butler Road, 3400' +/- NE of c/l Piney Grove Road

4th Election District - 3rd Councilmanic

Legal Owner(s): William McMillan, Jr., Trustee

HEARING: TUESDAY, JUNE 6, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to permit the septic reserve area on a parcel (non-density) other than the lot improved with the principal dwelling served by said septic.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon  
Director

cc: William McMillan, Jr.  
Gerhold Cross & Etzel, Ltd.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 1, 1995

Mr. William McMillan, Jr., Trustee  
3606 Butler Road  
Glyndon, Maryland 21071

RE: Item No.: 384  
Case No.: 95-389-SPH  
Petitioner: Wm. McMillan, et al

Dear Mr. McMillan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a rectangular stamp.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 8, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 378, 379, 380, 381, 382, 383,  
384, 386, 388, 389 AND 390.

RECEIVED

MAY 8 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

5-9-96

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 384 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: May 22, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 15, 1995  
Items 378, 379, 381, 384, and 390.


The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director   
Office of Planning and Zoning

DATE: May 10, 1995

SUBJECT: 3600 Butler Road

INFORMATION:

Item Number: 384  
Petitioner: William McMillan, Jr., Trustee  
Property Size: \_\_\_\_\_  
Zoning: RC 2  
Requested Action: Special Hearing  
Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to permit a septic reserve area on a parcel (non-density) other than the lot improved with the principle dwelling served by the septic system.

Staff defers to the position taken by D.E.P.R.M. regarding the subject request.

Prepared by: Jeffrey M. Long

Division Chief: Carol Kears

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
May 22, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #384 - McMillan  
3600 Butler Road  
Zoning Advisory Committee Meeting of May 8, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with Article X, the Forest Conservation Act.

Ground Water Management

The tenant house at 3606 Butler Road was found to have a failing septic system when site inspections were made for subdivision of the estate. Soil percolation tests were unsuccessful on the site of the house lot at 3606 Butler Road but were found to be suitable for septic installation on an adjacent non-density parcel. This division has sized an appropriate septic replacement on the adjacent parcel as depicted on the Zoning Variance.

Agricultural Preservation Program

The proposed location for septic for an existing house is not in an area which will conflict with the agricultural use of the property.

✓  
JLP:TE:WL:sp

MCMILLAN/DEPRM/TXTSBP

MICROFILMED

**BALTIMORE COUNTY, MARYLAND**  
**Inter-Office Memorandum**

DATE: April 27, 1995

TO: Hearing Officer

FROM: Joseph C. Merrey  
Planner I, ZADM

SUBJECT: Item #384  
3600 Butler Road

Applicant was advised letter of administration is required for trustee.

JCM:scj

# **PETITION PROBLEMS**

## **AGENDA OF MAY 8, 1995**

### **#380 --- JCM**

1. Need typed or printed name of person signing for legal owner.
2. Need attorney (company is incorporated).
3. No existing zoning on folder.
4. No area on folder.
5. No election district on folder.
6. No councilmanic district on folder.

### **#381 --- MJK**

1. No signature on petition forms for Donald E. Grempler (legal owner).

### **#382 --- JLL**

1. Need attorney (company is incorporated).

### **#383 --- JLL**

1. No item number on petition forms

### **#384 --- JCM**

1. Who is legal owner?? William McMillan, Jr. is trustee for who?
2. Need authorization for Mr. McMillan to sign for legal owner.

### **#385 --- CAM**

1. No telephone number for legal owner.

### **#386 --- CAM**

1. Need authorization for Margaret Ruggieri to sign for contract purchaser.

### **#387 --- RT**

1. No telephone number for legal owner.

### **#489 --- JJS**

1. Need typed or printed name of person signing for legal owner.

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
3600 Butler Road, NW/S Butler Rd, 3400'+/- \*  
NE of c/l Piney Grove Road, 4th \* ZONING COMMISSIONER  
Election District, 3rd Councilmanic \* OF BALTIMORE COUNTY  
William McMillan, Jr., Trustee \*  
Petitioners \* CASE NO. 95-389-SPH

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Towson, MD 21204, representative for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

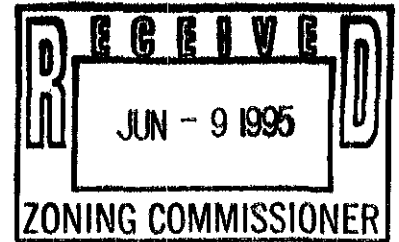
Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

June 8, 1995

CAROLE S. DEMILIO  
Deputy People's Counsel



296-2424

Lawrence E. Schmidt, Esquire,  
Baltimore County Zoning Commissioner  
Timothy J. Kotroco, Esquire  
Deputy Zoning Commissioner  
Old Courthouse, Room 118  
400 Washington Avenue  
Towson, MD 21204

Re: Petition for Special Hearing  
3600 Butler Road  
NW/S Butler Road, 3400' +/- NE  
of c/l Piney Grove Road, 4th  
Election Dist., 3rd Councilmanic  
PETITIONER: WILLIAM McMILLAN, JR.  
Hearing date: 6/6/95, 10:00 a.m.  
Case No. 95-389-SPH

Dear Mr. Schmidt and Mr. Kotroco:

In the cases of Todd Morrill (95-263-SPH, 95-264-SPH, and 95-265-A), our office has reviewed the issue of developing a non-density parcel with a septic reserve area to support a dwelling off-site. We have taken the position that there is no authority to permit any development on a non-density parcel. We have noted an appeal to the County Board of Appeals in those cases.

The same issue appears in the Petition for Special Hearing filed for property known as 3600 Butler Road. Our office maintains the position in this case as well that a non-density parcel can not support any aspect of development.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/caf

cc: Gerhold, Cross & Etzel, Ltd.,  
Representative for Petitioner

Zoning Administration and Development Management file

MICROFILMED

GORDON T. LANGDON  
DENNIS M. MILLER  
EDWARD F. DEIACO-LOHR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL**  
*Registered Professional Land Surveyors*  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318

410-823-4470  
FAX 410-823-4473

**EMERITUS**  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
**OF COUNSEL**  
JOHN F. ETZEL  
WILLIAM G. ULRICH

April 27, 1995

Baltimore County Department of Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attention: Carl Richards

RE: McMillan Property - 3606 Butler Road

Dear Mr. Richards:

On February 27, 1995 a special hearing was held to allow the transfer of a portion of the R.C.2 property as a "non-density" parcel. No one appeared at the hearing to oppose this transfer and the request was granted at the hearing. After the hearing, perc tests were performed on Lot 2 which is to be owned by Eleanor McMillan and a passable area could not be found on said lot. Therefore the tests were performed on the adjacent proposed non-density parcel which is to be owned by William McMillan Jr. and a passable area was found.

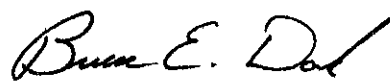
Upon review by both Kate Milton and Joe Merrey we were informed that a special hearing was necessary to allow an off-site support area (septic reserve area) and to allow that area on a non-density parcel. John Bernstein of Valley Planning has given his verbal approval to allow the septic to be off-site.

Proposed Lot 1 currently is under a purchase contract and is scheduled for settlement on June 1, 1995. Under the terms of this settlement the minor subdivision must be approved and, in turn, this special hearing to allow the septic area on the non-density parcel needs to be approved.

We are hereby requesting an administrative approval for the special hearing request to allow an off-site support area (septic easement) on a non-density parcel prior to the decision being made at a new special hearing which was filed for today. We understand that if we are declined our request in the special hearing, that you will reverse your approval and an appeal will be made at that time.

Please contact me immediately if you have any questions concerning our request.

Yours truly,

  
Bruce E. Doak

384

**THE VALLEYS  
PLANNING COUNCIL, INC.**

212 Washington Avenue  
P.O. Box 5402  
Towson, Maryland 21285-5402  
410-337-6877  
410-296-5409 (FAX)

1887-95

5/11/95  
J

April 28, 1995

Mr. Carl Richards  
ZADM  
111 W. Chesapeake  
Towson, MD 21204

Re: McMillan Property - Butler Rd.

95-040-M  
old case 95-259-SPH  
item # 384

Dear Mr. Richards:

The letter dated April 27, 1995 from Gerhold, Cross & Etzel to you regarding the above property requires several clarifications:

1. Although I am the Director of the Valleys Planning Council, I cannot give the approval of the organization in this matter.
2. We are opposed to the use of a "non-density" parcel to support a residence on another parcel. After all, this does represent a "use" of this parcel, and such use was not envisioned at the time the subdivision was approved.
3. We think that the important consideration here is that the proposed septic system is a necessary upgrade to an existing structure that is not being expanded or enlarged. I do not think that there will be any opposition to this proposal, if it is clear to our board of directors that this does not represent a precedent for supporting new construction in this way.

Sincerely,

*John Bernstein*

John Bernstein  
Executive Director

RECEIVED  
MAY 1 1995

ZADM

**GERHOLD, CROSS & ETZEL**

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100

320 East Towsontown Boulevard

Towson, Maryland 21286

Phone: (410) 823-4470

Fax: (410) 823-4473

DATE:

April 27, 1995

SUBJECT:

McMillan Property

TO:

Zoning

**TRANSMITTAL LETTER**

ATTENTION:

NO.	ITEM	TITLE
3	ea	Petition
3	ea	Zoning description
1	ea	advertising form
1	ea	\$85.00 check no. 0317
12	ea	Plan
1	set	Zoning plats showing property (4)
2	ea	letter to Carl Richards

**REMARKS**


Very Truly Yours,

Bruce E. Doak

PS

260

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE E. DOAK, GERHOLD, CROSS & ETZEL

JIM BLUM

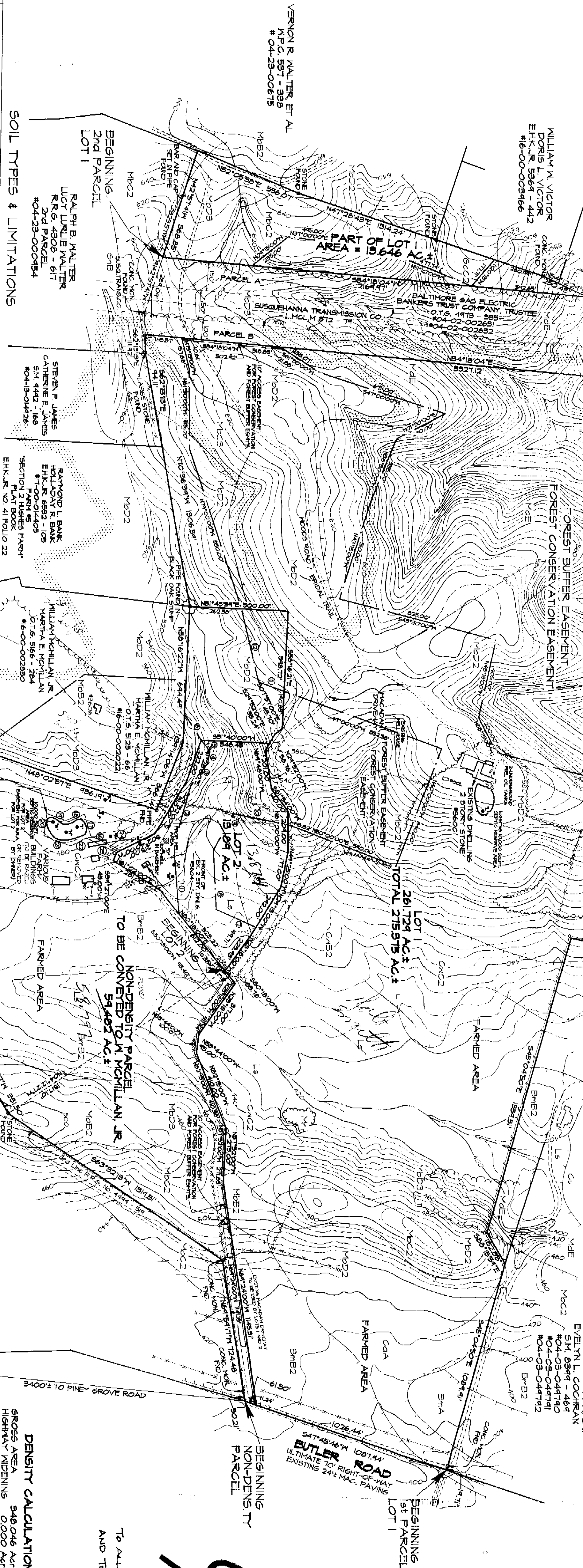
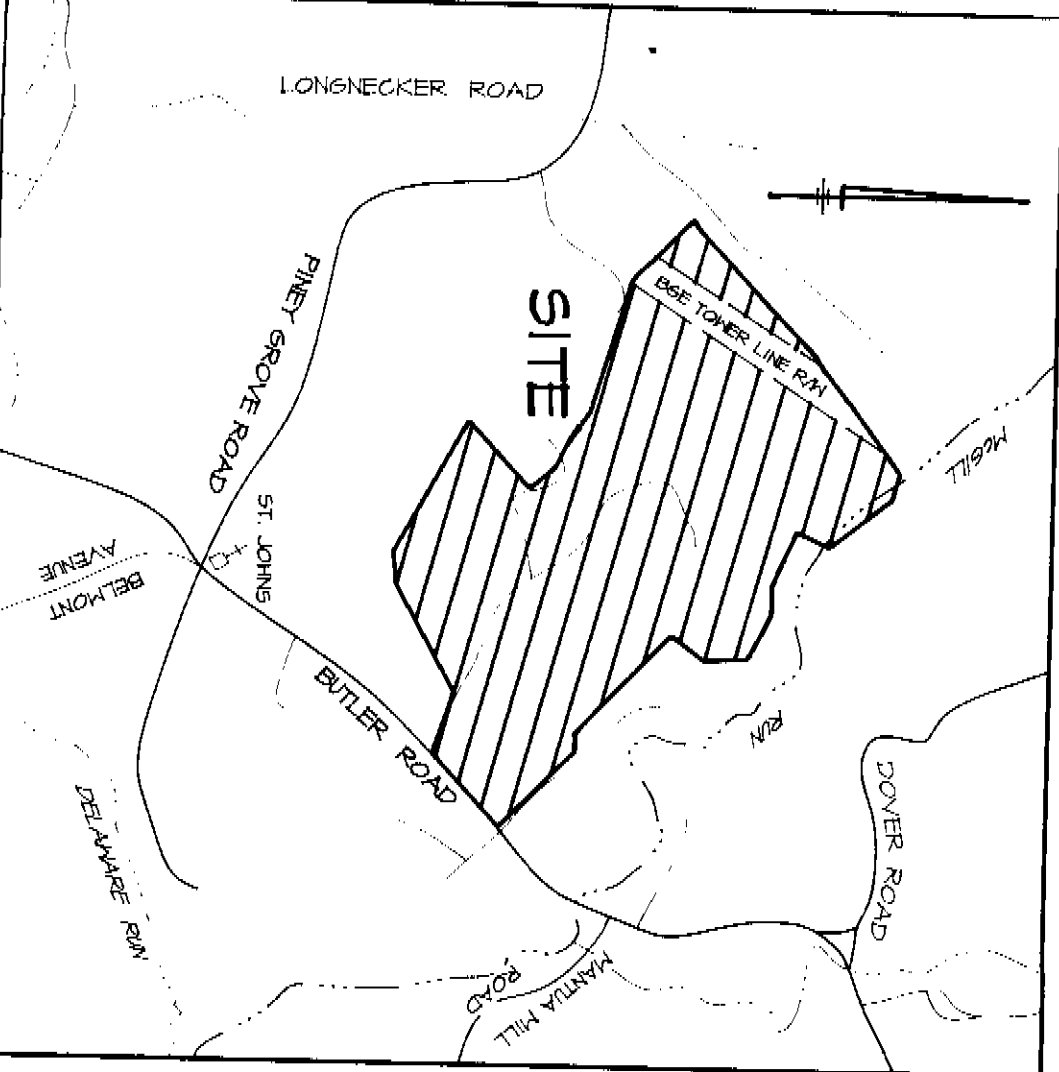
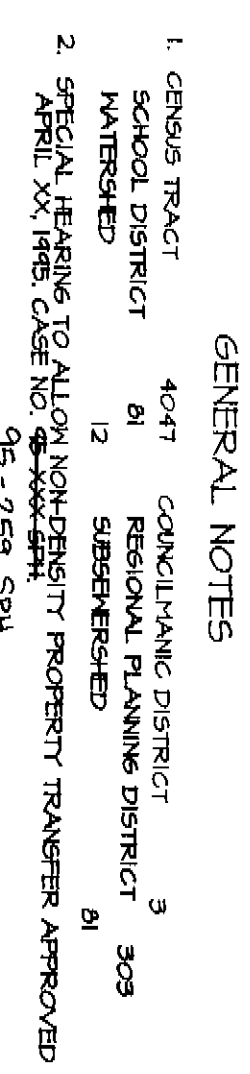
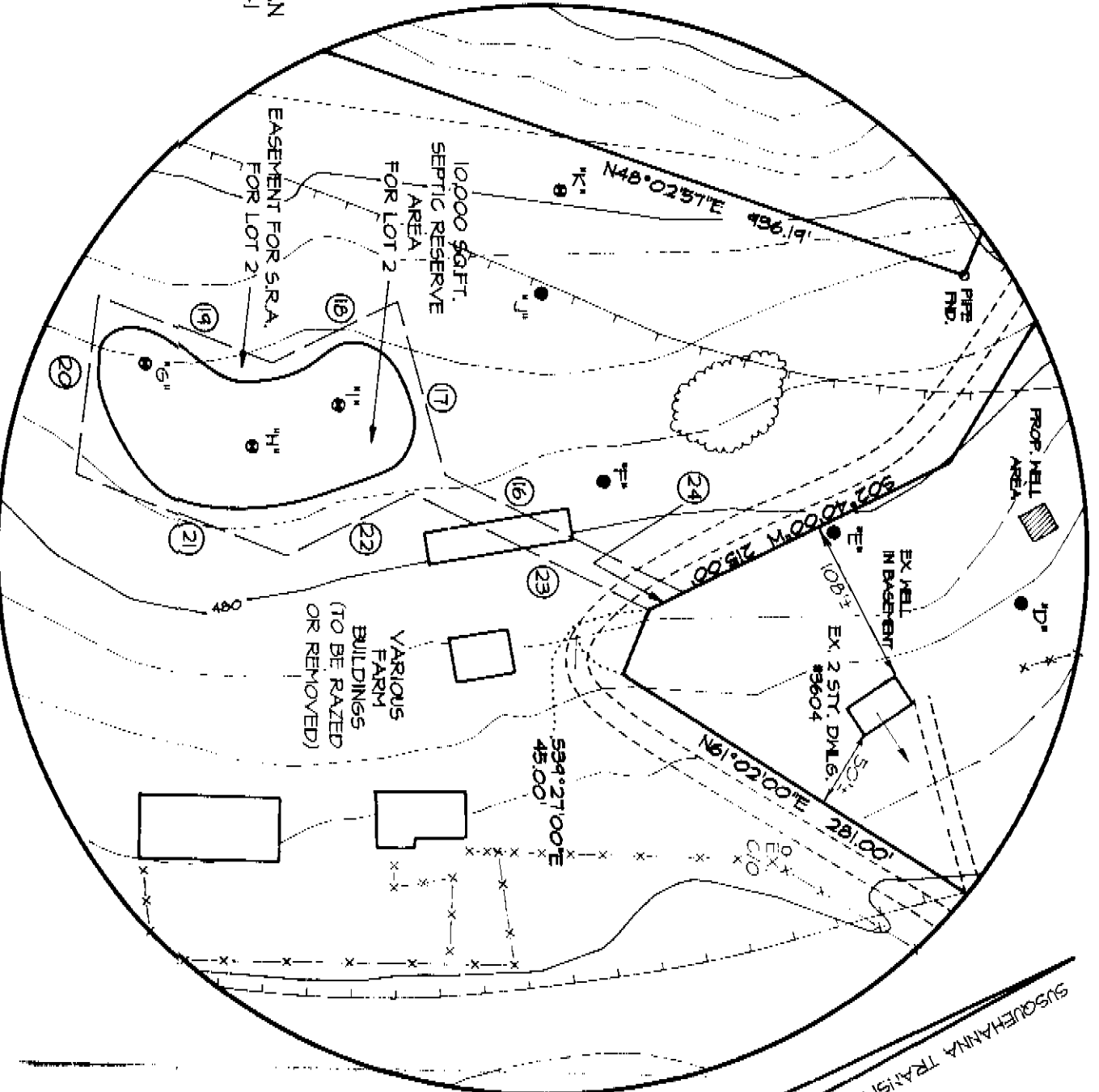
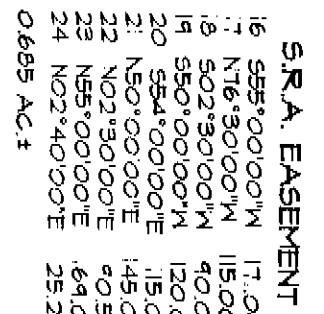
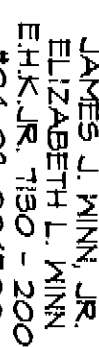
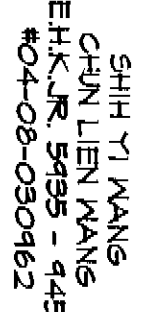
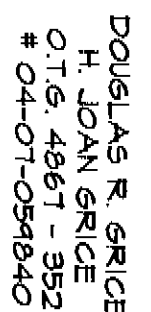
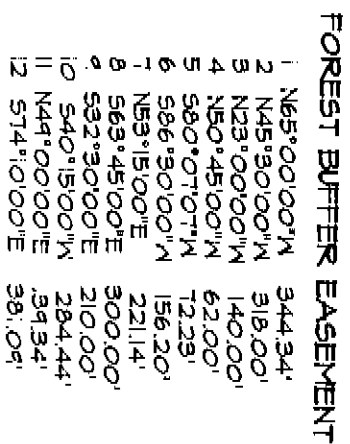
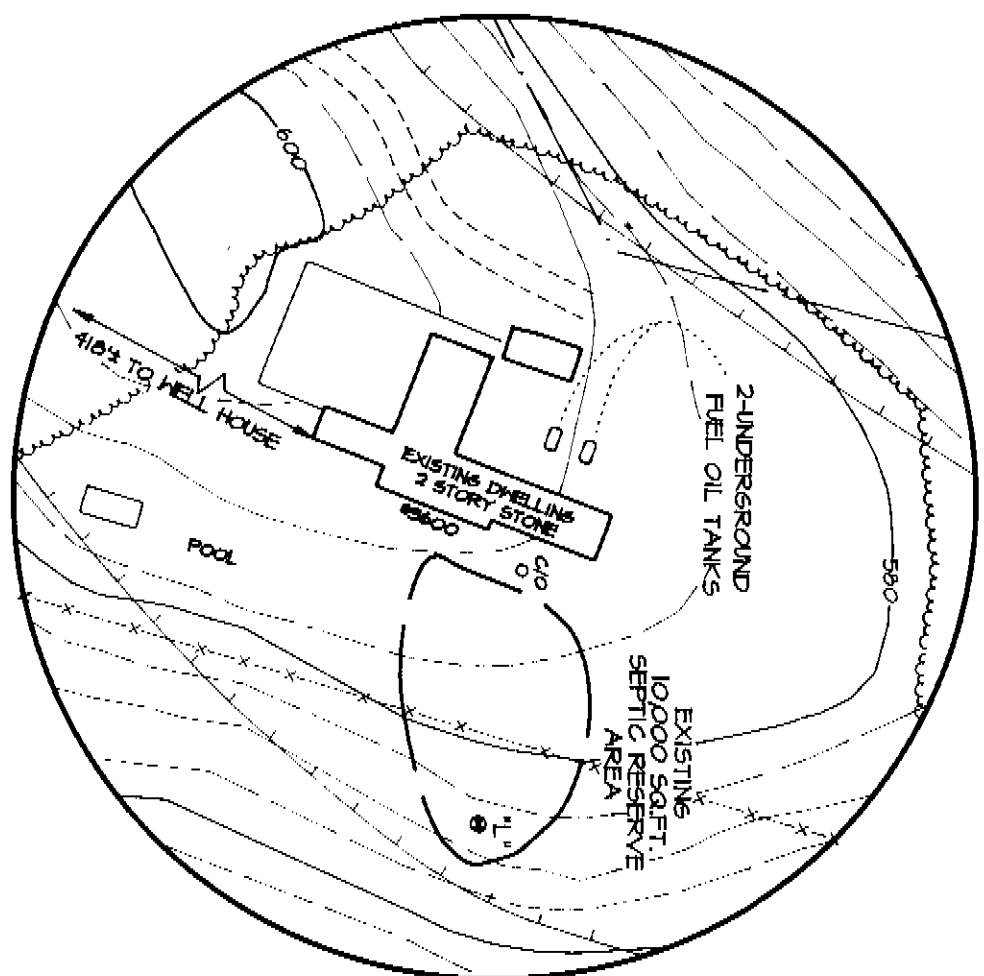
WILLIAM McMILLAN, JR.

320 E TOWSONTOWN BLVD. TOWSON, MD 21286

22 W. PADONIA RD.

3606 BUTLER RD., P.O. BOX 3603  
GLYNDON, MD 21071





TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
Bm1A	Slight	Slight	Slight
Bm2			
Bm3	Slight	Slight	Moderate Slope
Bm4			
Bm5			
Bm6	Moderate Slope	Veradato Slope	Severe Slope
Bm7			
Bm8			
Bm9			
Bm10			
Bm11	Severe Slope	Severe Slope	Severe Slope
Cah	Seasonally Flooded, High Water Table	Seasonally Flooded High Water Table	Seasonally Flooded High Water Table
Cu	Severe: Moderate High Water Table, Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
GmB	Severe: High Water Table, Seasonally Flooded, High Water Table, Flooding Hazard	Severe: High Water Table	Severe: High Water Table
Ls	Severe: Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
YK	Mines, Dumps and Quarries		

CONE UPON FOUND

CUTTING BOARD

FOLD OF COVER

FOLD OF COVER

**DAVID J BRYAN**  
**MARIE E BRYAN**  
EHK JR. 9630 - 002  
WIT. PARC #1401

**"SECTION 2 HATHES FARM"**  
PLAT BOOK EHK JR. NO. 41 FOLIO 22

**WILLIAM NOMILIAN, JR. ET AL**  
9608 BUTLER ROAD  
GLYNDEN, MARYLAND 21037  
41-0-424-2491

**OVERDEVELOPER**

**NET AREA**  
0.000 Acres  
**LOTS PERMITTED**  
346/90 = 6  
**LOTS PROPOSED**  
2

**SYMBOLS LEGEND**

- FOREST BUFFER EASEMENT LINE
- SOIL LINE
- EXISTING WELL
- EXISTING SEPTIC CLEAN-OUT
- CONTOURS
- NORTHINGTON N.R.A.D. LINE
- EXISTING PAVING
- PASSED PERC TEST G/H/K/L
- FAILED PERC TEST ABDEFJ
- SLOPES > 25%

**45246 Rev for Zoning**

TO ALLOW AN OFF-SITE SUPPORT AREA (SEPTIC EASEMENT),  
AND TO ALLOW THAT AREA ON A NON-DENSITY PARCEL

95-389-5A

PLAN TO ACCOMPANY  
SPECIAL HEARING  
MCMILLAN PROPERTY  
3600 BUTLER ROAD  
Deed Ref: R.R.G. No. 4444 Folio 514  
Tax Account No. 04-B-3-01425  
Zoned R.C.-2  
Tax Map 40 Grid 03 Parcel 7B  
4TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 300'

MUNICIPALITY OF  
February 24, 1994

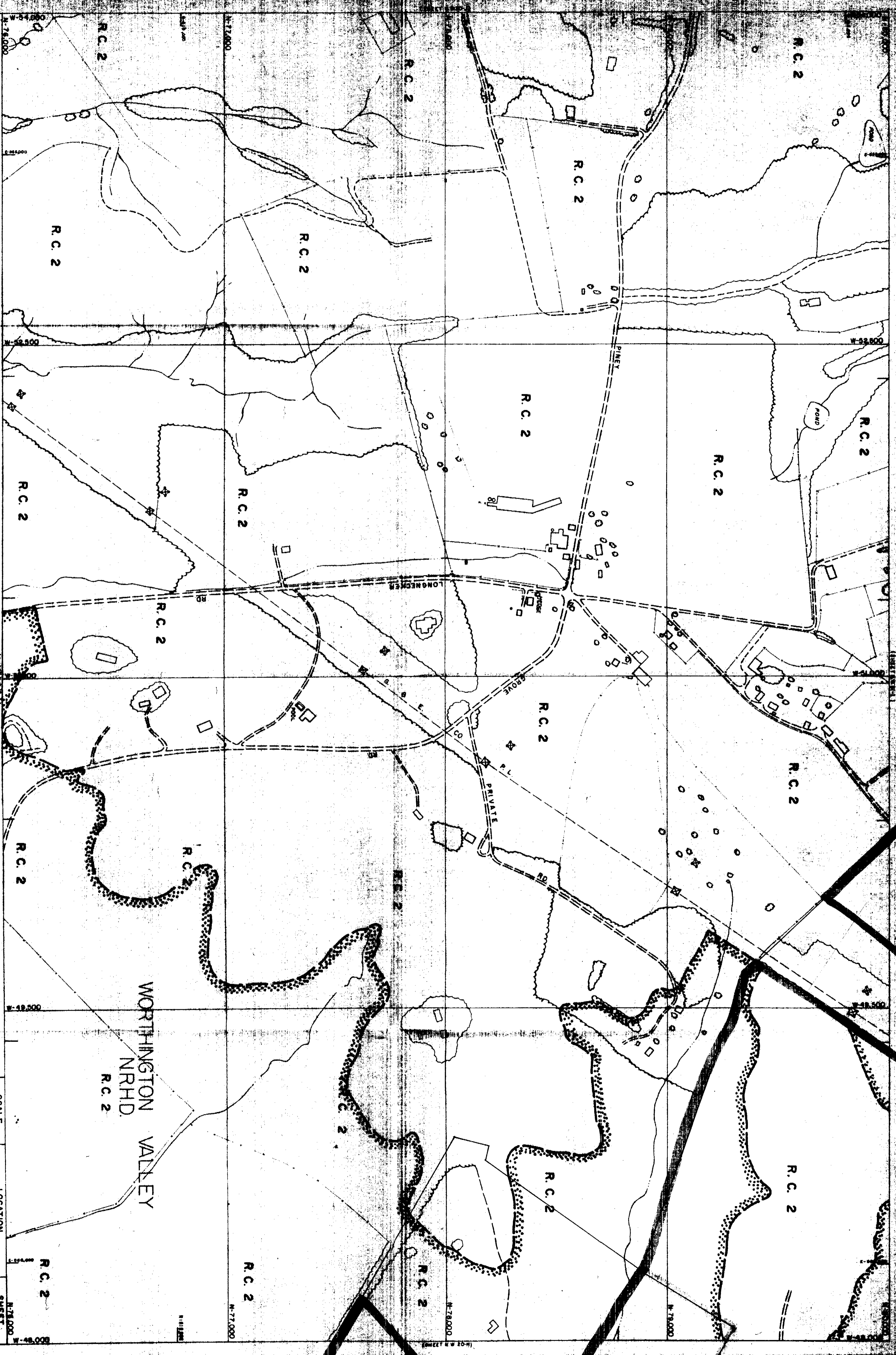
**GERHOLD, CROSS & ETZEL, LTD.**  
REGISTERED PROFESSIONAL LAND SURVEYORS

Site 100  
320 East Townsend Boulevard  
Owens, Maryland 21286  
(410) 835-4470









W - NW  
CC - SW  
THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY STUWART-HORN, INC. BALTIMORE, MD 21210

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1988  
Ord. No. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88, 151-88, 152-88, 153-88, 154-88, 155-88, 156-88, 157-88, 158-88, 159-88, 160-88, 161-88, 162-88, 163-88, 164-88, 165-88, 166-88, 167-88, 168-88, 169-88, 170-88, 171-88, 172-88, 173-88, 174-88, 175-88, 176-88, 177-88, 178-88, 179-88, 180-88, 181-88, 182-88, 183-88, 184-88, 185-88, 186-88, 187-88, 188-88, 189-88, 190-88, 191-88, 192-88, 193-88, 194-88, 195-88, 196-88, 197-88, 198-88, 199-88, 200-88, 201-88, 202-88, 203-88, 204-88, 205-88, 206-88, 207-88, 208-88, 209-88, 210-88, 211-88, 212-88, 213-88, 214-88, 215-88, 216-88, 217-88, 218-88, 219-88, 220-88, 221-88, 222-88, 223-88, 224-88, 225-88, 226-88, 227-88, 228-88, 229-88, 230-88, 231-88, 232-88, 233-88, 234-88, 235-88, 236-88, 237-88, 238-88, 239-88, 240-88, 241-88, 242-88, 243-88, 244-88, 245-88, 246-88, 247-88, 248-88, 249-88, 250-88, 251-88, 252-88, 253-88, 254-88, 255-88, 256-88, 257-88, 258-88, 259-88, 260-88, 261-88, 262-88, 263-88, 264-88, 265-88, 266-88, 267-88, 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1460-88, 1461-88, 1462-88, 1463-88, 1464-88, 1465-88, 1466-88, 1467-88, 1468-88, 1469-88, 1470-88, 1471-88, 1472-88, 1473-88, 1474-88, 1475-88, 1476-88, 1477-88, 1478-88, 1479-88, 1480-88, 1481-88, 1482-88, 1483-88, 1484-88, 1485-88, 1486-88, 1487-88, 1488-88, 1489-88, 1490-88, 1491-88, 1492-88, 1493-88, 1494-88, 1495-88, 1496-88, 1497-88, 1498-88, 1499-88, 1500-88, 1501-88, 1502-88, 1503-88, 1504-88, 1505-88, 1506-88, 1507-88, 1508-88, 1509-88, 1510-88, 1511-88, 1512-88, 1513-88, 1514-88, 1515-88, 1516-88, 1517-88, 1518-88, 1519-88, 1520-88, 1521-88, 1522-88, 1523-88, 1524-88, 1525-88, 1526-88, 1527-88, 1528-88, 1529-88, 1530-88, 1531-88, 1532-88, 1533-88, 1534-88, 1535-88, 1536-88, 1537-88, 1538-88, 1539-88, 1540-88, 1541-88, 1542-88, 1543-88, 1544-88, 1545-88, 1546-88, 1547-88, 1548-88, 1549-88, 1550-88, 1551-88, 1552-88, 1553-88, 1554-88, 1555-88, 1556-88, 1557-88, 1558-88, 1559-88, 1560-88, 1561-88, 1562-88, 1563-88, 1564-88, 1565-88, 1566-88, 1567-88, 1568-88, 1569-88, 1570-88, 1571-88, 1572-88, 1573-88, 15

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
NW/S Butler Road, 3400' NE of \* ZONING COMMISSIONER  
c/l of Piney Grove Road  
(3600 Butler Road)  
4th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \* Case No. 95-389-SPH  
William McMillan, Jr., Trustee for  
the Estate of William McMillan - \*  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 3600 Butler Road, located in the vicinity of Mantua Mill Road and Dover Roads in Glyndon. The Petition was filed by William McMillan, Jr., Trustee for the Estate of William McMillan, owners of the subject property. The Petitioners seek approval to permit the septic reserve area to be located on a non-density parcel, separate from the lot which is improved with the principle dwelling to be served. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William McMillan, Jr., property owner, Jim Blum, Realtor, and Bruce E. Doak, Registered Property Line Surveyor with Gerhold, Cross & Etzel, who prepared the site plan for this property. There were no Protestants present; however, correspondence submitted by the Office of People's Counsel indicates that this agency is opposed to the relief requested.

It should be noted that this property was the subject of prior Case No. 95-259-SPH in which Deputy Zoning Commissioner Timothy Kotroco granted approval of a non-density transfer of a portion of the subject property and a waiver to panhandle driveway length requirements, pursuant

to Section 26-266(4) of the Baltimore County Code (BCC) to provide access to proposed Lot 2 thereof, by Order issued May 15, 1995, and as Amended on June 15, 1995 and July 13, 1995. The Petitioner now seeks approval to permit the septic reserve area for Lot 2 to be located on the non-density parcel created in prior Case No. 95-289-SPH.

The facts of the matter are undisputed. The subject property is part of a larger tract originally owned by Mr. & Mrs. William McMillan, Sr. The McMillans originally owned approximately 358 acres in this locale, which was comprised of what is now known as Lot 1 (275 acres), Lot 2 (13.189 acres), a non-density parcel of 59.482 acres, and two smaller adjoining parcels as shown on Petitioner's Exhibit 1. The two smaller parcels were acquired by William McMillan, Jr. from his parents in the early 1970s and are not under consideration in this case. However, after the death of the senior Mrs. McMillan in February, 1994 and Mr. McMillan, Sr. in March, 1994, the original tract was further subdivided. Lot 1, the largest piece of the original tract, was sold to an individual outside the McMillan family. Lot 2 was created and is now owned by Eleanor McMillan, the Petitioner's sister, and William McMillan, Jr. acquired the remaining 59.482 acres, which is shown as a "non-density" parcel on the site plan.

Testimony revealed that Lot 2 is improved with a single family dwelling for Eleanor McMillan; unfortunately, however, the existing septic system is failing and a suitable perc test has not been obtained. Thus, Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) has required that a suitable alternative be found to accommodate a private septic system for this lot.

Pursuant to the Petition for Special Hearing filed in this case, the Petitioners proposed to grant an easement on the non-density parcel

owned by William McMillan, Jr. for the installation of a septic system to serve Eleanor McMillan's dwelling on Lot 2. The location and area of that proposed septic system is clearly shown on the site plan as a kidney-shaped area within the non-density parcel which is connected to Lot 2 by a "tail". The proposed septic system installation appears appropriate and a logical alternative to solve this property's septic problems. However, subsequent to the hearing, the Petitioners apparently became concerned about the possibility of an appeal of any favorable ruling on their behalf by the Office of People's Counsel and informed this Zoning Commissioner that the easement area would be deeded, in fee, to Eleanor McMillan. This transfer has since been accomplished and Lot 2 is now comprised of 13.874 acres and includes the in-fee "tail" which will house the septic reserve area. As a result of the transfer of this "tail", the proposed septic reserve area is now on the same parcel as the principle dwelling which it serves, and thus, the relief requested in the Petition for Special Hearing is rendered as moot and shall be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October, 1995 that the Petition for Variance seeking approval to permit a septic reserve area to be located on a non-density parcel, separate from the lot which is improved with the principle dwelling to be served, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

LES:bjs

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

October 19, 1995

(410) 887-4386

Mr. William McMillan, Jr.  
3606 Butler Road  
Glyndon, Maryland 21071

RE: PETITION FOR SPECIAL HEARING  
NW/S Butler Road, 3400' NE of c/l of Piney Grove Road  
(3600 Butler Road)  
4th Election District - 3rd Councilmanic District  
William McMillan, Jr., Trustee - Petitioner  
Case No. 95-389-SPH

Dear Mr. McMillan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Bruce Doak, c/o Gerhold, Cross & Etzel  
320 E. Towsontown Boulevard, Suite 100, Towson, Md. 21286

People's Counsel

file

## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 3600 Butler Road  
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to allow an off-site support area (septic) and to allow that area on a non-density parcel TO PERMIT THE SEPTIC RESERVE AREA ON A PARCEL (NON-DENSITY) OTHER THAN THE LOT IMPROVED WITH THE PRINCIPLE DWELLING SERVED BY SAID SEPTIC.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or the undersigned, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Consent Petitioner(s):

Signature of Petitioner

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Why do extremely serious and often, under the penalties of perjury, that they are the legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Legal Owner(s)

William McMillan Jr. Trustee  
3606 Butler Road  
Glyndon, Maryland 21071

Gerhold, Cross & Etzel Ltd.  
320 E. Towsontown Blvd. 823-4170

3606 Butler Road 429-2991

Glyndon Maryland 21071

Gerhold, Cross & Etzel Ltd.  
320 E. Towsontown Blvd. 823-4170

3606 Butler Road 429-2991

Glyndon Maryland 21071

Gerhold, Cross & Etzel Ltd.  
320 E. Towsontown Blvd. 823-4170

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Gerhold, Cross & Etzel Ltd.  
320 E. Towsontown Blvd. 823-4170

3606 Butler Road 429-2991

GORDON T. LANDOWN  
DENNIS H. MILLER  
EDWARD J. DEMACIO-LOHR  
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5319

410-823-4470  
FAX 410-823-4473

REGISTERED  
PAUL G. DOLLEBERG  
FRED H. DOLLEBERG  
CARL L. GERHOLD  
PHILIP A. CROSS  
OF GORNBEL  
JOHN F. ETZEL  
WILLIAM E. MURPHY

January 23, 1995

Zoning Description  
3600 Butler Road

Beginning at a point in the centerline of Butler Road which is 3400 feet, more or less, northeast of the centerline of Piney Grove road as recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4973 folio 335 and described as follows to wit:

- 1) North 60 degrees 35 minutes West 732.49 feet, thence
- 2) South 72 degrees 18 minutes West 1318 feet, thence
- 3) North 81 degrees 44 minutes West 337.23 feet, thence
- 4) North 50 degrees 05 minutes West 1548.84 feet, thence
- 5) North 38 degrees 16 minutes 50 seconds East 936.83 feet, thence
- 6) North 29 degrees 30 minutes West 366.27 feet, thence
- 7) North 48 degrees 32 minutes 20 seconds West 694.56 feet, thence
- 8) North 62 degrees 52 minutes West 1304.3 feet, thence
- 9) North 55 degrees 11 minutes West 206.47 feet, thence
- 10) North 35 degrees 05 minutes West 866.85 feet, thence
- 11) North 66 degrees 48 minutes East 132 feet, thence
- 12) North 56 degrees 36 minutes East 1320 feet, thence
- 13) North 60 degrees 47 minutes East 1106 feet, thence
- 14) North 63 degrees East 902.25 feet, thence
- 15) South 59 degrees 38 minutes East 264 feet, thence
- 16) South 30 degrees 38 minutes West 838 feet, thence
- 17) South 36 degrees 03 minutes West 375 feet, thence
- 18) South 54 degrees 50 minutes East 660 feet, thence
- 19) South 82 degrees 42 minutes East 307.11 feet, thence
- 20) South 49 degrees 02 minutes East 264 feet, thence
- 21) South 50 degrees 21 minutes East 249.68 feet, thence
- 22) South 04 degrees 48 minutes West 439 feet, thence
- 23) South 27 degrees 32 minutes East 40 feet, more or less, thence
- 24) South 52 degrees 46 minutes 58 seconds West 436.32 feet, thence
- 25) South 35 degrees 40 minutes 11 seconds East 1599.53 feet, thence
- 26) South 80 degrees 58 minutes 11 seconds East 182.85 feet, thence
- 27) South 35 degrees 46 minutes East 1098.37 feet, and
- 28) South 56 degrees 53 minutes West 1078.13 feet to the point of beginning

Containing 372 Acres of land, more or less.

The above description is for zoning purposes only and is not to be used for conveying of real property.

384

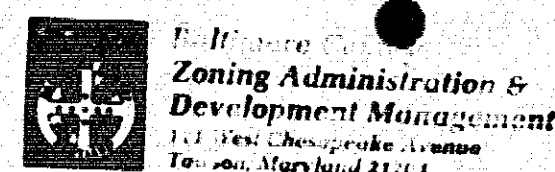
### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: RC-2 Date of Posting: 3/13/95  
Posted for: Special Hearing  
Petitioner: William McMillan, Jr.  
Location of property: 3600 Butler Rd, NW/S  
Location of Sign: Piney Grove Rd, NW/S, 3400 ft. from road  
Remarks: None  
Posted by: William McMillan, Jr. Date of return: 3/14/95  
Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD. May 12, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 1995

THE JEFFERSONIAN,  
A. Henricson  
LEGAL AD. - TOWSON



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 4-27-95

William McMillan, Jr.

SPH-HRG (040)

POSTING (080)

receipt  
95-389-SPH

Account: R0C1-4190

Number: JCM

3600 Butler Rd

250.00

35.00

85.00

Please Make Checks Payable To Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 384  
Petitioner: WILLIAM McMillan, Jr.  
Location: 3600 Butler Rd  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: William McMillan, Jr.  
ADDRESS: 3606 Butler Road  
Glyndon, Maryland 21071  
PHONE NUMBER: 444-2991

AJ:ggg (Revised 04/09/93)

TO: POTOMAC PUBLISHING COMPANY  
May 11, 1995 Issue - Jeffersonian

Please forward billing to:  
William McMillan, Jr.  
3606 Butler Road  
Glyndon, MD 21071  
429-2991

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-389-SPH (Item 384)  
3600 Butler Road  
NW/3 Butler Road, 3400' +/- RE of c/l Piny Grove Road  
4th Election District - 3rd Councilmanic  
Legal Owner(s): William McMillan, Jr., Trustee  
HEARING: THURSDAY, JUNE 6, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to permit the septic reserve area on a parcel (non-density) other than the lot improved with the principal dwelling served by said septic.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 4, 1995

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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*Carl Jablon*  
Arnold Jablon  
Director

cc: William McMillan, Jr.  
Gerhold Cross & Etzel, Ltd.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

June 1, 1995

Mr. William McMillan, Jr., Trustee  
3606 Butler Road  
Glyndon, Maryland 21071

RE: Item No.: 384  
Case No.: 95-389-SPH  
Petitioner: Wm. McMillan, et al

Dear Mr. McMillan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

*Carl Richards, Jr.*  
M. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-9500 (410) 887-4500

DATE: 05/05/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
LOCATION: DISTRIBUTION MEETING OF MAY 8, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 378, 379, 380, 381, 382, 383, 384, 386, 388, 389 AND 390.

**RECEIVED**  
MAY 8 1995  
ZADM

REVIEWER: LT. ROBERT P. SAUERHARD  
Fire Marshal Office, PHONE 887-4681, MS-1102F

cc: File

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 384 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: May 22, 1995

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 15, 1995  
Items 378, 379, 381, 384, and 390.

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: May 10, 1995

SUBJECT: 3600 Butler Road

**INFORMATION:**

Item Number: 384

Petitioner: William McMillan, Jr., Trustee

Property Size: \_\_\_\_\_

Zoning: RC 2

Requested Action: Special Hearing

Hearing Date: / /

**SUMMARY OF RECOMMENDATIONS:**

The applicant requests a Special Hearing to permit a septic reserve area on a parcel (non-density) other than the lot improved with the principle dwelling served by the septic system.

Staff defers to the position taken by D.E.P.R.M. regarding the subject request.

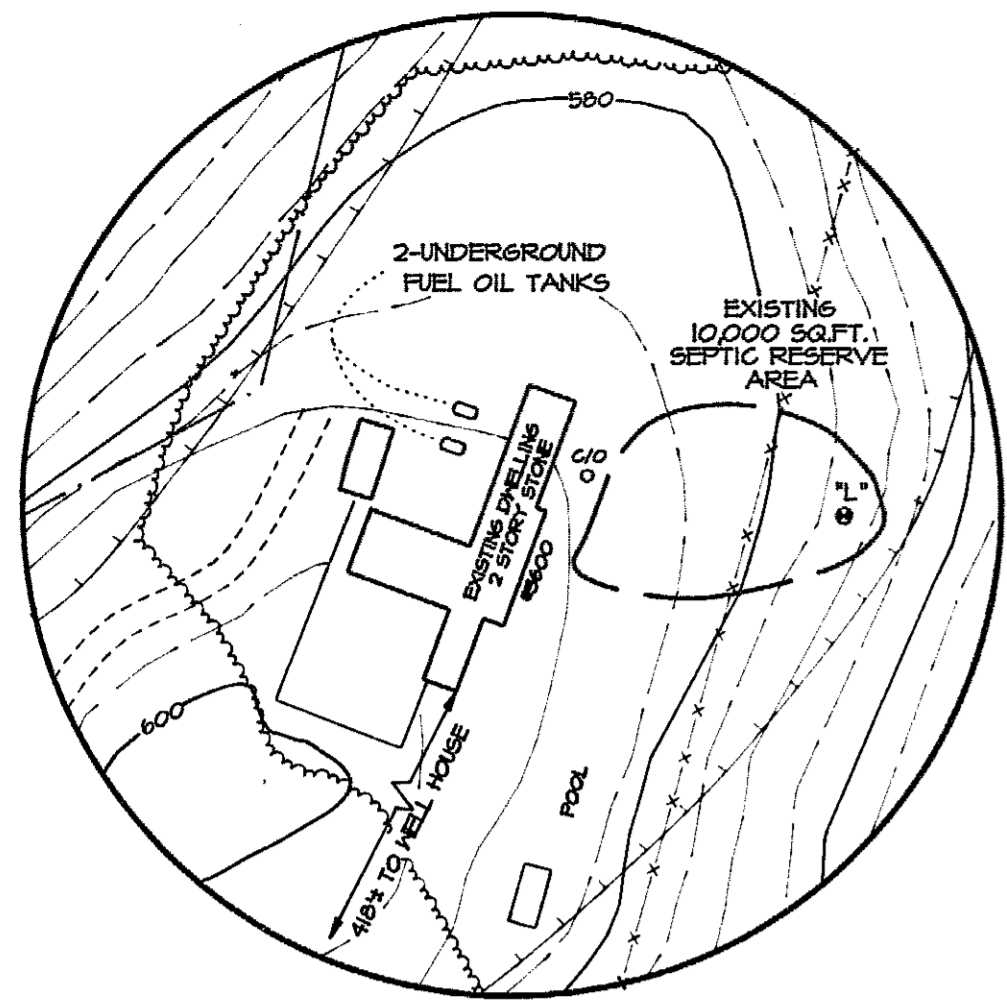
Prepared by: *Jeffrey M. Long*

Division Chief: *Edwige Kenna*

PK/JL

ITEM 384/PZONE/ZAC1

1



DETAIL SCALE 1"=100'

FOREST BUFFER EASEMENT

1. N65°00'00"E 344.84'
2. N45°30'00"E 518.00'
3. N25°00'00"E 140.00'
4. N50°45'00"E 62.00'
5. S60°07'00"E 72.25'
6. S64°18'00"E 156.20'
7. N53°15'00"E 221.14'
8. S63°45'00"E 300.00'
9. S53°15'00"E 210.00'
10. S40°15'00"E 284.44'
11. N44°00'00"E 134.34'
12. S14°10'00"E 381.04'

DOUGLAS R. GRICE  
H. JOAN GRICE  
O.T.G. 4867 - 852  
# 04-07-054840

WILLIAM W. VICTOR  
DORIS L. VICTOR  
E.H.K.J.R. 5364 - 442  
#16-00-003466

VERNON R. WALTER, ET AL  
W.F.C. 531 - 838  
# 04-29-00675

RALPH B. WALTER  
LUCY LURIE WALTER  
R.R.G. 4308 - 617  
2nd PARCEL  
#04-29-00454

SHIH YI WANG  
CHUN LIEN WANG  
E.H.K.J.R. 5435 - 445  
#04-08-030462

JAMES J. WINN, JR.  
ELIZABETH L. WINN  
E.H.K.J.R. 7130 - 200  
#04-08-004500

JAMES J. WINN, JR.  
ELIZABETH L. WINN  
E.H.K.J.R. 7130 - 654  
#16-00-001384

SAMUEL H. SHRIVER, JR.  
MARGOT K. SHRIVER  
S.M. 8145 - 517  
#04-13-076740

S.R.A. EASEMENT  
16. S55°00'00"E 171.00'  
17. N16°30'00"E 115.00'  
18. S02°30'00"E 40.00'  
19. S50°00'00"E 120.00'  
20. S54°00'00"E 115.00'  
21. N50°00'00"E 148.00'  
22. N02°30'00"E 40.54'  
23. N55°00'00"E 164.04'  
24. N02°40'00"E 25.21'  
0.885 AC.±

EVELYN L. COCHRAN  
E.H.K.J.R. 6543 - 741  
#19-00-010385

EVELYN L. COCHRAN  
E.H.K.J.R. 5459 - 817  
#16-00-013884

PEYTON S. COCHRAN, JR.  
EVELYN L. COCHRAN  
S.M. 8544 - 464  
#04-03-044740  
#04-03-044741  
#04-03-044742

DAVID J. BRYAN  
MARIE E. BRYAN  
E.H.K.J.R. 5630 - 002  
#17-00-014401  
FARM #1  
"SECTION 2 HUGHES FARM"  
PLAT BOOK E.H.K.J.R. NO. 41 FOLIO 22

GEORGE A. MURNAGHAN, ET AL  
S.M. 4741 - 108  
#17-00-014403  
FARM #3  
"SECTION 2 HUGHES FARM"  
PLAT BOOK E.H.K.J.R. NO. 41 FOLIO 22

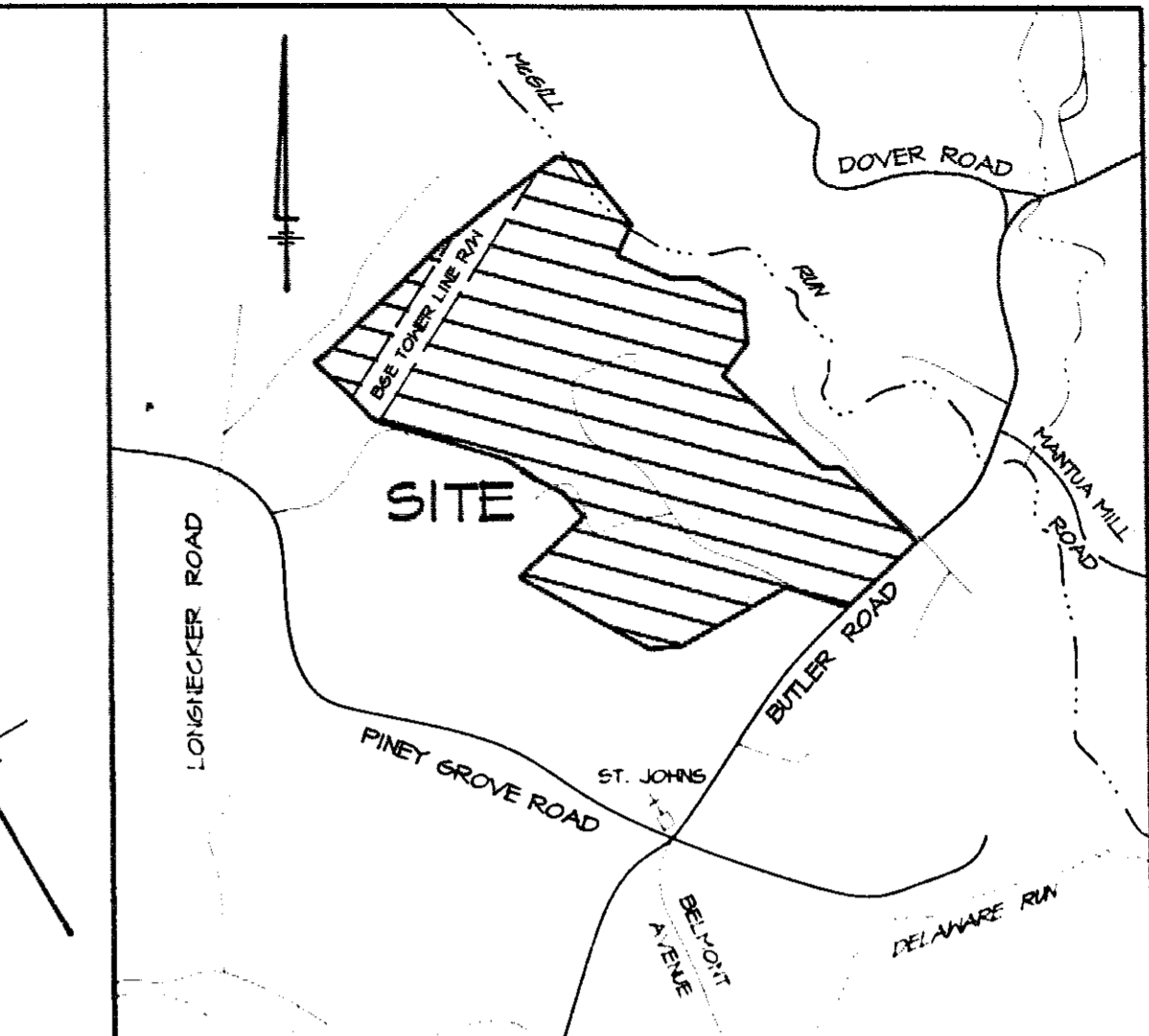
STEVEN P. JAMES  
CATHERINE E. JAMES  
S.M. 4442 - 168  
#04-13-014426

RAYMOND L. BANK  
NOLADAY R. BANK  
E.H.K.J.R. 6582 - 105  
#17-00-014405  
FARM #3  
"SECTION 2 HUGHES FARM"  
PLAT BOOK E.H.K.J.R. NO. 41 FOLIO 22

WILLIAM MCMILLAN, JR.  
MARTHA E. MCMILLAN  
O.T.G. 5166 - 284  
#16-00-002850

SYMBOLS LEGEND

- FOREST BUFFER EASEMENT LINE
- SOIL LINE
- EXISTING WELL
- EXISTING SEPTIC CLEAN-OUT
- NORTHINGTON N.R.H.D. LINE
- EXISTING FARMING
- PASSED PERC TEST SHJKL
- FAILED PERC TEST ABDEFJ
- CONTOURS
- SLOPES > 25%



VICINITY MAP 1"=2000'

GENERAL NOTES

1. CENSUS TRACT 4047 COUNCILMANIC DISTRICT 9
2. SCHOOL DISTRICT 81 REGIONAL PLANNING DISTRICT 303
3. WATERSHED 12 SUBWATERSHED 81
4. SPECIAL HEARING TO ALLOW NON-DENSITY PROPERTY TRANSFER APPROVED APRIL XX, 1995, CASE NO. 95-389-SPH.

354

95-389-SPH

TO ALLOW AN OFF-SITE SUPPORT AREA (SEPTIC EASEMENT)  
AND TO ALLOW THAT AREA ON A NON-DENSITY PARCEL

DENSITY CALCULATIONS

GROSS AREA 348.046 Acres +/-  
HIGHWAY WIDENING 0.000 Acres +/-  
NET AREA 0.000 Acres +/-  
LOTS PERMITTED 348/50 = 6 LOTS  
LOTS PROPOSED 2

OWNER/DEVELOPER

WILLIAM MCMILLAN, JR. ET AL  
3606 BUTLER ROAD  
GLYNDON, MARYLAND 21071  
410-424-2491

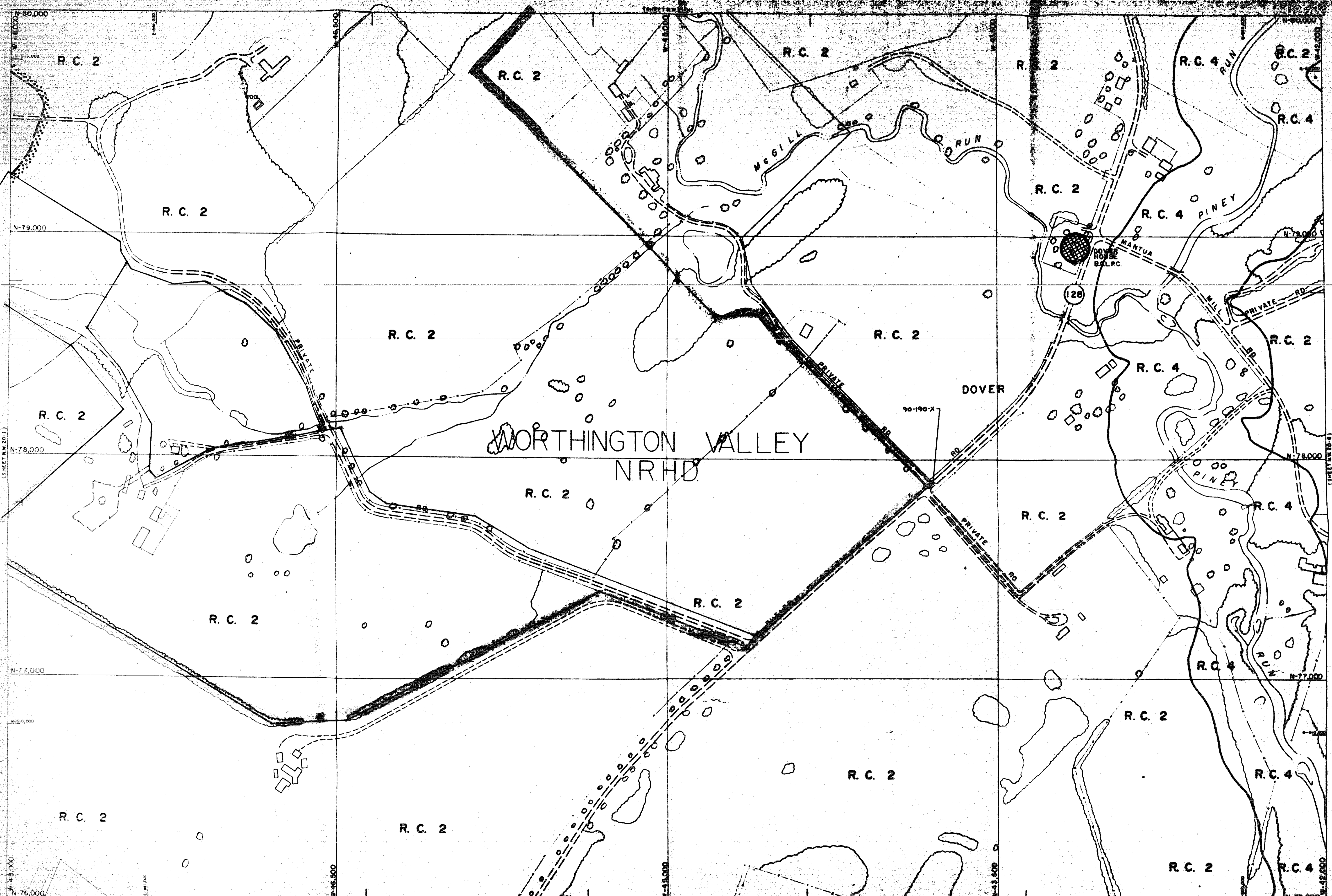
#45-040-M

PLAN TO ACCOMPANY  
SPECIAL HEARING  
MCMILLAN PROPERTY  
3600 BUTLER ROAD  
Deed Ref: R.R.G. No. 4444 folio 519  
Tax Account No. 04-13-014925  
Zoned R.C.-2  
Tax Map 40 Grid 03 Parcel 78  
4TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 300' February 24, 1995

GERHOLD, CROSS & ETZEL, LTD.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
520 East Townsend Boulevard  
Towson, Maryland 21286  
(410) 825-4470

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
BmA	Slight	Slight	Slight
BmB2	Slight	Slight	Moderate Slope
CnB2	Moderate Slope	Moderate Slope	Severe Slope
CaA	Severe Slope	Severe Slope	Severe Slope
Cu	Severe: Slow Permeability; Seasonally Perched Water Table	Severe: Seasonally Perched Water Table	Severe: Seasonally Perched Water Table
GnB	Severe: Moderately High Water Table; Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
LS	Severe: High Water Table; Moderately Slow Permeability	Severe: High Water Table	Severe: High Water Table
Mr	Severe: Moderately High Water Table; Moderate To Moderately Slow Permeability; Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
Mr	Mines, Dumps and Quarries		



1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART HORN, INC. BALTIMORE, MD. 21210

## BALTIMORE COUNTY

# OFFICE OF PLANNING AND ZONING

# OFFICIAL ZONING MAP

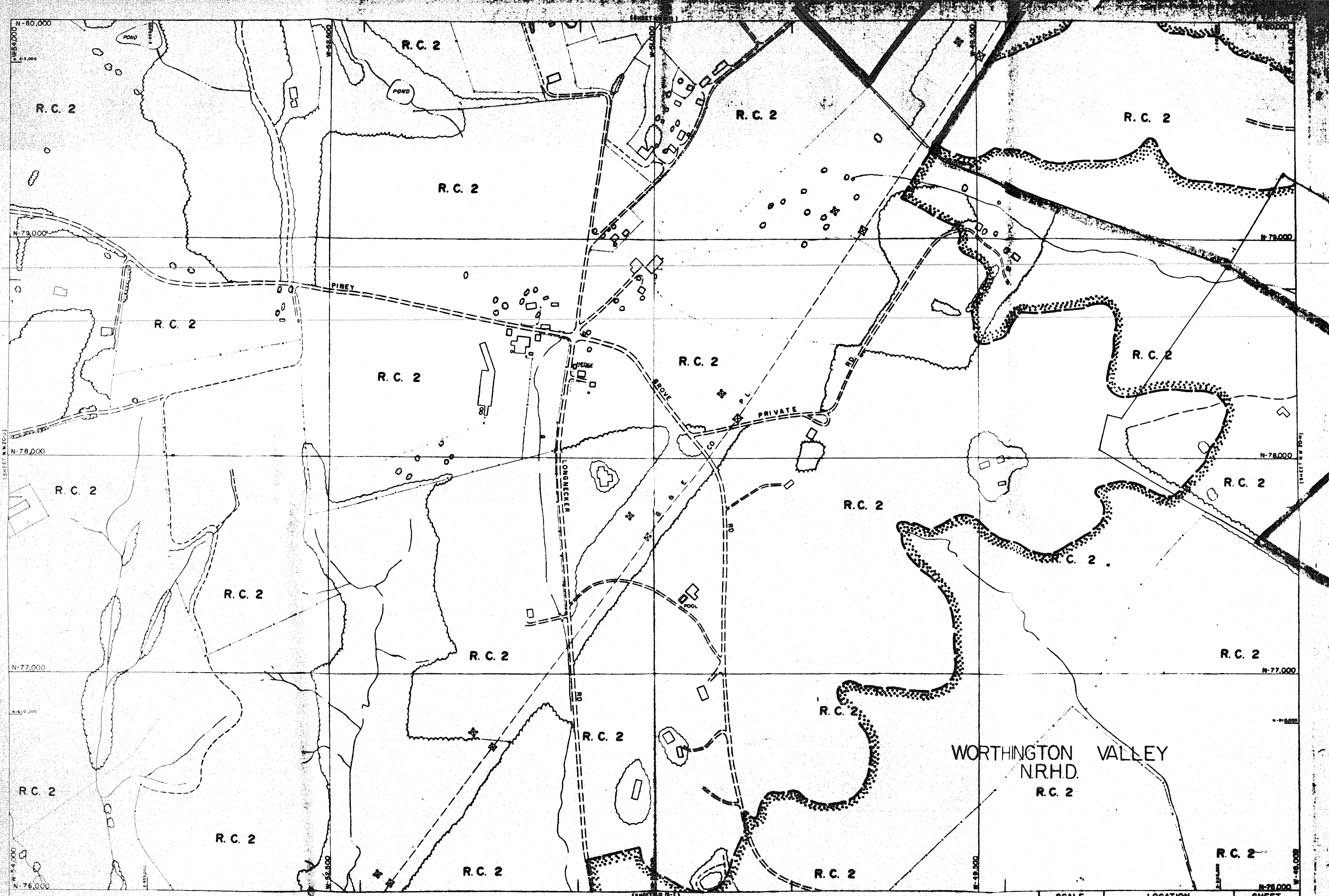
1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Bill Nos. 215-92, 216-92, 217-92, 218-92, 219-92, 220-92, 221-92, 222-92, 223-92, 224-92, 225-92, 226-92, 227-92, 228-92, 229-92, 230-92

*Edmund A. Howard II*  
Baltimore County Council

SCALE 1" = 200'	LOCATION  DOVER	DATE OF PHOTOGRAPHY JANUARY 1986	SHEET N W 20-H
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95-389-SPH

389



W - NW  
CC - SW

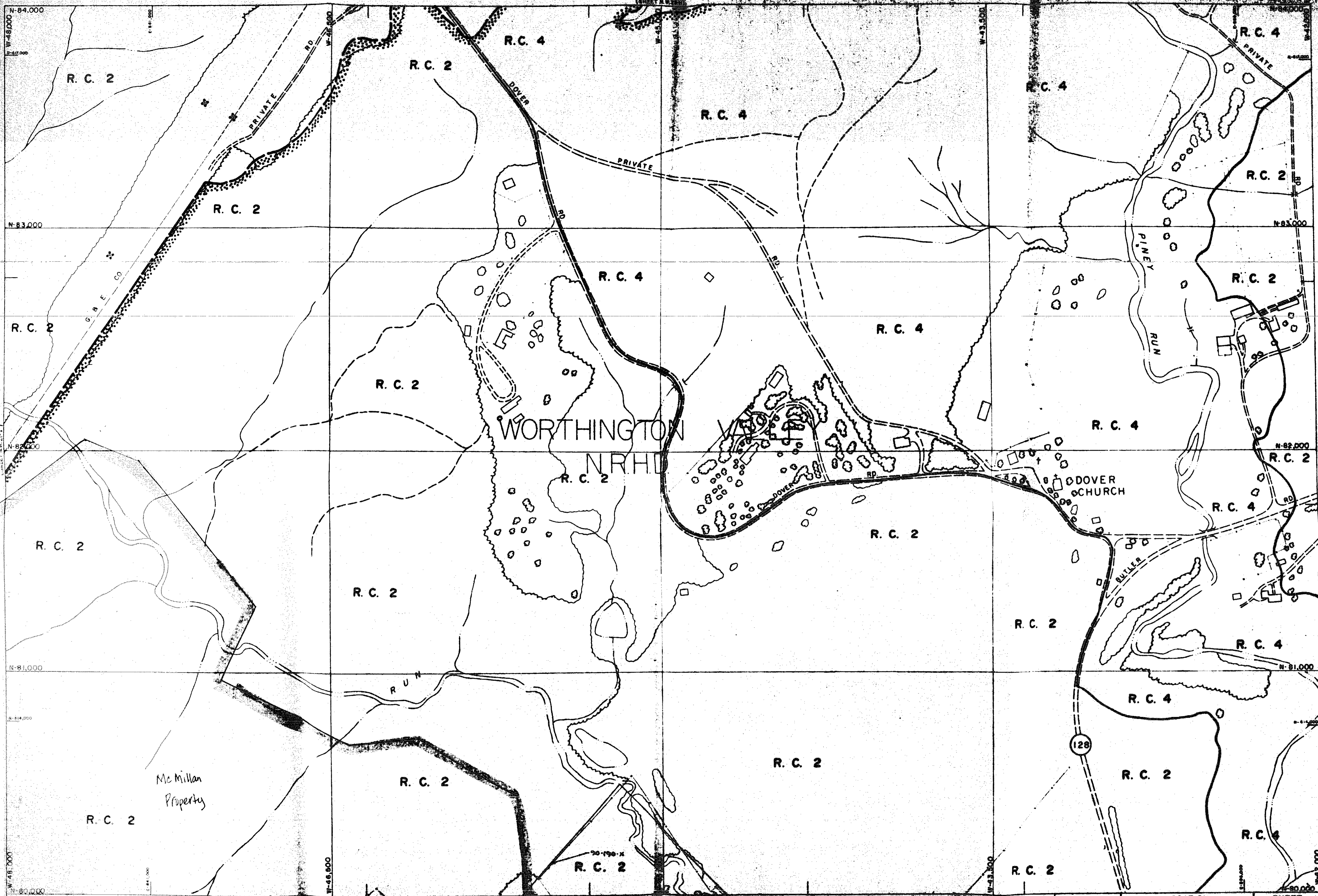
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

~~1988 COMPREHENSIVE ZONING MAP~~  
~~Adopted by the Baltimore County Council~~  
~~Oct. 15, 1988~~  
~~Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88~~

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Ord. Nos. 189-92, 190-92, 191-92, 192-92, 193-92, 194-92, 195-92, 196-92, 197-92, 198-92, 199-92, 200-92

SCALE 1" = 200'	LOCATION SOUTHEAST OF PINEY	SHEET N. W. 20-1
DATE OF PHOTOGRAPHY JANUARY 1986		



CC-SW CC-SE

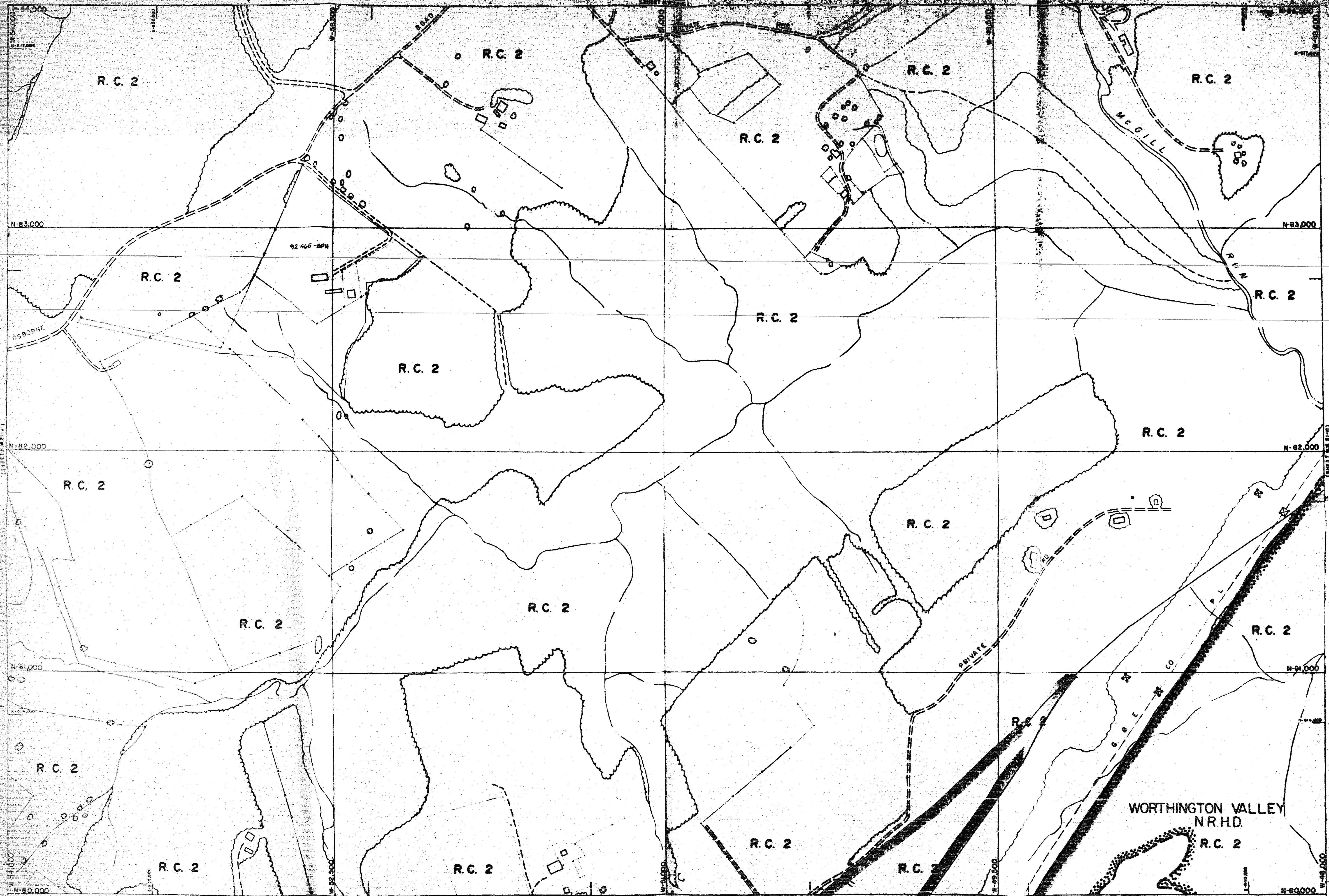
1994 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 14, 1994  
 Bill Nos. 144-03, 145-03, 146-03, 147-03, 148-03, 149-03, 150-03

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1993  
 Bill Nos. 100-02, 101-02, 102-02, 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02

SCALE	LOCATION	SHEET
1" = 200'	DOVER CHURCH	N.W.
DATE OF PHOTOGRAPHY		21-H
JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210



1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 Bill Nos. 144-92, 145-92, 146-92, 147-92, 148-92, 149-92, 150-92  
*[Signature]*  
 Baltimore County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 Bill Nos. 144-92, 145-92, 146-92, 147-92, 148-92, 149-92, 150-92  
*[Signature]*  
 Baltimore County Council

SCALE 1" = 200'	LOCATION WEST OF DOVER CHURCH	SHEET N.W. 21-1
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210